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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

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MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2008 FEB 14 P 3: 36

AZ CORP COMMISSION
DOCKET CONTROL

FEB 14 2008

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IN THE MATTER OF THE APPLICATION OF
TOWER CLOUD, INC. FOR APPROVAL OF A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES
INCLUDING FACILITIES-BASED LOCAL
EXCHANGE TELECOMMUNICATIONS
SERVICES.

DOCKET NO. T-20563A-07-0627

PROCEDURAL ORDER**BY THE COMMISSION:**

On November 1, 2007, Tower Cloud, Inc. ("Tower" or "Company") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide intrastate facilities-based local exchange telecommunications services in Arizona ("Application").

On November 8, 2007, the Commission's Utilities Division ("Staff") filed a Letter of Insufficiency and First Set of Data Requests ("Data Requests") in this matter.

On November 8, 2007, Tower filed a clarification to its Application.

On November 14, 2007, Tower filed its response to the Data Requests.

On January 31, 2008, Staff filed its Staff Report recommending approval of Tower's application.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above application shall commence on **April 15, 2008, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, Hearing Room 100, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Company shall publish notice of the hearing as stated below, in a newspaper(s) of general circulation in every county in Arizona in which Company desires

to provide service as soon as possible, but no later than March 14, 2008, and shall file Affidavits of Publication with the Commission no later than April 1, 2008.

**IN THE MATTER OF THE APPLICATION OF TOWER CLOUD, INC. FOR
APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY
TO PROVIDE INTRASTATE TELECOMMUNICATIONS SERVICES
INCLUDING FACILITIES-BASED LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES.
Docket No. T-20563A-07-0627**

On November 1, 2007, Tower Cloud, Inc. ("Tower" or "Company") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based local exchange telecommunications services. The Commission's Utilities Division ("Staff") has recommended approval of the Company's application. The Commission is not bound by the proposals made by the Company, Staff, or any intervenors, and the Company will be required to provide this service under the rates and charges and terms and conditions established by the Commission. Copies of the application, report of Staff, and any written exceptions to the report of Staff filed by the Company will be available at the Company's offices [insert address] and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter beginning **April 15, 2008, at 10:00 a.m.**, at the Commission's offices, Hearing Room 100, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter referencing Docket Number T-20563A-07-0627 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission up to the day of the hearing. The motion to intervene must be sent to the Company or its counsel and to all parties of record, and must contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before March 24, 2008. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme

1 Court, intervention will be conditioned upon the intervenor obtaining counsel to
2 represent the intervenor. For information about requesting intervention, visit the
3 Arizona Corporation Commission's webpage at
4 <http://www.azcc.gov/utility/forms/index.htm>. The granting of intervention, among
5 other things, entitles a party to present sworn evidence at hearing and to cross-examine
6 other witnesses.

7 If you have any questions about this application, you may contact the Company at
8 **[insert telephone number]**. If you wish to file written comments on the application
9 or want further information on intervention you may contact the Consumer Services
10 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007,
11 or call 1-800-222-7000.

12 The Commission does not discriminate on the basis of disability in admission to its
13 public meetings. Persons with a disability may request a reasonable accommodation
14 such as a sign language interpreter, as well as request this document in an alternative
15 format, by contacting the ADA Coordinator, Linda Hogan, at LHogan@azcc.gov,
16 voice phone number 602/542-3931. Requests should be made as early as possible to
17 allow time to arrange the accommodation.

18 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
19 105, except that all motions to intervene shall be filed by **March 24, 2008**.

20 IT IS FURTHER ORDERED that any objections to interventions shall be filed by **April 3,**
21 **2008.**

22 IT IS FURTHER ORDERED that Tower or any intervenors shall file specific
23 disagreements/comments, if any, regarding the Staff Report by **April 3, 2007**.

24 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
25 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
26 *hac vice*.

27 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
28 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
Rules of Arizona Supreme Court). Representation before the Commission includes to appear at all
hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
for discussion, unless counsel has previously been granted permission to withdraw by the
Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
Communications) applies to this proceeding and shall remain in effect until the Commission's

1 Decision in this matter is final and non-appealable.

2 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
3 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

4 Dated this 17th day of February, 2008.

6
7 
8 BELINDA A. MARTIN
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 11th day of February, 2008 to:

12 Kim Swartz, ACP
13 Contractor
14 TOWER CLOUD, INC.
15 9501 International Court North
16 St. Petersburg, Florida 33716

17 Melissa Buda
18 TOWER CLOUD, INC.
19 9501 International Court North
20 St. Petersburg, Florida 33716

21 Christopher Kempley, Chief Counsel
22 Legal Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, AZ 85007

26 Ernest G. Johnson, Director
27 Utilities Division
28 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Ave., Suite 502
Phoenix, Arizona 85004-1184

24 By: 

25 Jenny Gomez
26 Secretary to Belinda A. Martin
27
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